

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY CGSA, INC. FOR )	
ISSUANCE OF A CERTIFICATE OF PUBLIC )	
CONVENIENCE AND NECESSITY TO CONSTRUCT )	
AN ADDITIONAL CELL SITE IN TRIMBLE )	CASE NO. 93-414
COUNTY, KENTUCKY FOR THE PROVISION OF )	
DOMESTIC PUBLIC CELLULAR RADIO TELECOM- )	
MUNICATIONS SERVICE TO THE PUBLIC IN )	
RURAL SERVICE AREA NO. 7 )	

O R D E R

On November 5, 1993, Kentucky CGSA, Inc. ("Kentucky CGSA") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications antenna tower in Kentucky Rural Service Area No. 7 ("RSA No. 7"). RSA No. 7 includes Carroll, Franklin, Gallatin, Grant, Harrison, Henry, Owen, Pendleton, Shelby, and Trimble counties of Kentucky. Kentucky CGSA has requested authorization to construct a cell site in Trimble County, Kentucky. Kentucky CGSA was previously granted authority to operate a cellular radio telecommunications system in RSA No. 7 in Case No. 90-357.<sup>1</sup>

The proposed cell site consists of a guyed antenna tower, with attached antennas, not to exceed 400 feet in height to be located at Route 1, Box 275, Bedford, Trimble County, Kentucky. The

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<sup>1</sup> Case No. 90-357, Application of BellSouth Mobility, Inc. for Approval of Transfer of Control of Domestic Cellular Telecommunications Service to the Public in Rural Service Area No. 7 to Kentucky CGSA, Inc.

coordinates for the proposed cell site are North Latitude 38° 36' 13.23" by West Longitude 85° 20' 21.85".

Kentucky CGSA has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed cell site. Based upon the application, the design of the tower and foundation appears to meet the criteria of the Building Officials and Code Administrators International, Inc. National Building Code, with reference to earthquakes, winds, and tornadoes.

Pursuant to KRS 100.324(1), the proposed cell site's construction is exempt from local zoning ordinances. Kentucky CGSA has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed cell site. The KAZC application has been approved while the FAA application is pending. No further approvals from the Federal Communications Commission are required.

Kentucky CGSA has filed notices verifying that each property owner and resident within 500 feet of the proposed cell site has been notified of the pending construction. The notice solicited any comments and informed the property owners and residents of their right to intervene. One request for intervention was received and granted by the Commission. However, after discussions with Kentucky CGSA, the intervenor filed a letter on December 1, 1993 indicating that Kentucky CGSA had satisfactorily addressed his concerns regarding the proposed tower's construction and requested

withdrawal as an intervenor in this proceeding. The Commission will treat the intervenor's letter as a motion to withdraw.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Kentucky CGSA should notify the Commission if it does not use this antenna tower to provide cellular radio telecommunications services in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Kentucky CGSA.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Kentucky CGSA should be granted a Certificate of Public Convenience and Necessity to construct and operate the proposed cell site in RSA No. 7 under its currently approved tariff.

IT IS THEREFORE ORDERED that:

1. Kentucky CGSA be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a guyed antenna tower, with attached antennas, not to exceed 400 feet in height to be located at Route 1, Box 275, Bedford, Trimble County, Kentucky. The coordinates for the proposed cell site are North Latitude 38° 36' 13.23" by West Longitude 85° 20' 21.85".

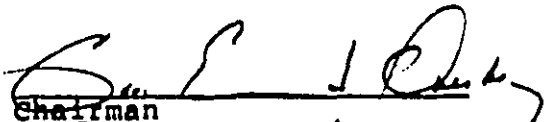
2. Kentucky CGSA shall file a copy of the final decision regarding its pending FAA application for this cell site construction, within 10 days of receiving this decision.

3. Kentucky CGSA shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of three months in the manner authorized by this Order.

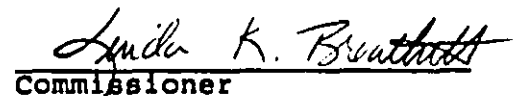
4. The motion of Paul M. Dehan to withdraw as an intervenor in this proceeding is granted.

Done at Frankfort, Kentucky, this 10th day of January, 1994.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director